

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANKLIN TROY CAPLETTE,

Defendant.

CR 12-90-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his Findings and Recommendations on April 3, 2018. Defendant admitted that he had violated the conditions of his supervised release: 1) by possessing and using a controlled substance; 2) by interacting with someone who Defendant knew was engaged in criminal activity; and 3) by failing to report for substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of 5 months, with 38 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's Findings

and Recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's Findings and Recommendations. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 36 months, followed by 43 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 5 to 11 months. A custodial sentence of 5 months, followed by 38 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 57) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 18th day of April, 2018.



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Brian Morris  
United States District Court Judge